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In Re Magloire

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HPS-39 (March 2006)

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NO. 06-1732

IN RE: CARTER J. MAGLOIRE,
Petitioner

On Petition for Writ of Mandamus from the
District Court of the Virgin Islands
(Related to Crim. No. 04-cr-00142-2)

Submitted Under Rule 21, Fed. R. App. Pro.
March 10, 2006

BEFORE: CHIEF JUDGE SCIRICA, WEIS and GARTH, CIRCUIT JUDGES

Filed March 30, 2006

OPINION

PER CURIAM.

Carter J. Magloire petitions for a writ of mandamus directing the District Court to rule on his motion for a new trial in his criminal proceeding. For the reasons that follow, we will deny the petition.

In February 2005, a jury in the District Court found Magloire guilty of bringing in and harboring aliens in violation of 8 U.S.C. § 1324. Magloire filed a motion for a new trial on March 1, 2005. In his mandamus petition, he asks us to order the District Court to rule on his motions that have been pending “for at least six months.”

Our examination of the District Court's docket indicates that the only such motion is his motion for a new trial.

By order entered March 22, 2006, the District Court denied Magloire's motion for a new trial. Because the District Court has ruled on Magloire's motion, we will deny his mandamus petition as moot.